IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 16339 of 2007(T)

PETITIONER:

SANKARA NARAYANA PILLAI, AGE 68,
S/O.KRISHNA PILLAI, PUTHEN VEEDU,
CHIRAYINKEEZHU, CHIRAYINKEEZHU TALUK.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR,
SRI.RENJITH B.MARAR,
SRI.PRABHU VIJAYAKUMAR.

RESPONDENTS:
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1. **THE DEPUTY SUPDT. OF POLICE,**
   ATTINGAL.

2. **THE S.I. OF POLICE, CHIRAYINKEEZHU P.S.**

3. **ANIL, S/O.KAMALAN,**
   A.P.7/159, VISHNU KRIPA, PODIYAN MUKKU,
   MUTTAPALAM, CHIRAYINKEEZHU.

4. **S.SREEKALA, D/O.ANNAMAL,**
   A.P.-7/159, VISHNU KRIPA, PODIYAN MUKKU,
   MUTTAPALAM, CHIRAYINKEEZHU.

BY ADV. SRI.M.R.RAJESH,
ADV. SRI.PRADEEP.V.S,
GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.16339/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PETITION FILED AS O.P. 454/07 BEFORE THE FAMILY COURT, NEDUMANGAD.

EXT.P.2: COPY OF THE PETITION FILED BY THE PETITIONER BEORE THE R.2.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO.16339 OF 2007-T

Dated 19th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is the maternal grand father of a minor girl Sreelakshmi, aged 12 years. The 4th respondent is her mother. The petitioner submits, now the 4th respondent is residing with the 3rd respondent, who is her second husband. According to the petitioner, he is having lawful custody of the minor, as per the orders of the Family Court. The 4th respondent has got only a right to visit the child. But, ignoring the order of the Family Court, respondents 3 and 4 are trying to snatch away the minor from the petitioner's custody. It is also alleged that they came to the house of the petitioner and threatened him. Therefore, he moved the police, by submitting Ext.P2 representation and thereafter, this writ petition is filed, seeking the following relief:

> "(i) issue a writ in the nature of mandamus or any other appropriate writ, direction or orders commanding the respondents 1 & 2 to give adequate and effective protection to

the life of the petitioner."

2. It is submitted on behalf of respondents 3 and 4 that the allegations against them are incorrect. It is also submitted that the Family Court had permitted the 4th respondent to visit the child. The 4th respondent has only visited the child. Other allegations are incorrect. It is further submitted that the suit appears to have been dismissed by the Family Court as not pressed. But, according to the learned counsel for the petitioner, the suit is decreed in favour of the petitioner.

3. Whatever be that, the respondents 3 and 4 cannot be permitted to go to the residence of the petitioner, who is an old man and threaten him. If the said allegation, which is emphatically denied by the 4th respondent, is found correct, the respondents 1 and 2 shall ensure that the life of the petitioner is protected from such actions of respondents 3 and 4. Regarding the custody of the child, the police have no role to play. The parties have to move the competent court for appropriate orders. If orders are already passed, they have to abide by that. The 4th respondent shall not be permitted to resort to physical violence to get the custody of the child.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/